

**Community Involvement Advisory Council**  
**Meeting Notes**  
**December 11, 2007**

**Present: Voting Members:** Pam Meitner, Harold Truxon, Donald Scholfield (3 Voting Members Present / Quorum is 6 members / Quorum is not confirmed.)

**Present: Other Members/Presenters:** Susan Love, James Brunswick, Vicki Ward

**I. Meeting Called to Order**

In the absence of Chair Bill Pelham, Pam Meitner served as the Chair and called the meeting to order.

**II. Meeting Protocol Review**

Meeting protocol can be observed as stated on the back of the name cards.

**III. Approval of Meeting Notes**

Although the notes cannot be approved at this meeting without a quorum, Pam requested if there were any suggested changes to the November 20, 2007, meeting notes.

**IV. New Business**

Pam acknowledged and welcomed the presence of Susan Love of the DNREC, Coastal Management Program and her intention to address the Southbridge project and the \$17,000 remaining from the project.

**A. Expiring Terms - March 31, 2008**

**Bill Pelham**

**Jan Durham**

**Donald Scholfield**

**Marvin Thomas**

Pam questioned if the individuals had been notified of their expiring terms? James replied he had spoken to several members. Jan Durham was uncertain at this time if she would continue; Marvin Thomas wished to remain on the council; James was unsure of Bill Pelham's wishes. Pam asked the council members present to advise if they were aware of any individuals who would be interested in serving on the Community Involvement Advisory Council.

**B. Revised 2008 CEPF due dates:**

**May 15, 2008**

**September 2, 2008**

Clarification was made that the May 15 and September 2, 2008 dates were for the Community Environmental Project Fund application deadlines. The reason for the proposed change to May 15, 2008 is that June 1st is a Sunday and the lack of sufficient time for the subcommittee to meet and review the projects prior to the June 10, 2008 meeting date. September 1 is a state holiday, so September 2 is suggested for the due date for acceptance of CEPF applications. Members present had no objections to the change in dates.

**C. 2008 Meeting Dates**

- **February 12**
- **April 15**
- **June 10**
- **August 12**
- **October 14**
- **December 16, 1:30 - 4:30**

Pam noted that the December 16<sup>th</sup> date's time was in the afternoon and mentioned a December meeting is hard to accommodate during the Holiday Season. Vicki explained that the Smyrna Rest Stop Conference room was not available, the morning of December 16, hence the afternoon time. Pam asked members if they had any other suggestions. Don felt an early November meeting would be better. Pam asked that prior to our next meeting a date be reserved in November at the Smyrna Rest area to be reviewed by Council.

**D. Discussion**

- **Change in Locations on CEPF Application Deadline?**
- **Quorum and Meeting schedule**

Pam made note that we did not have a quorum asked how we could assure that we have enough of the CIAC membership present. Pam questioned whether the CIAC membership could participate by telephone conference. Vicki informed Pam that the Smyrna Rest Stop could not accommodate conference calls. Pam continued; we need to get a better grip on the meetings, take advantage of telephone conference capability. We are a statewide body and need to consider people are travelling long distances, the price of gas, etc., would a vote count if cast by telephone? We should take this question to the Secretary.

James replied that he would check into this, but it will require a change in our meeting location. We should also consider that we may have several new members.

**V. Community Environmental Project Fund (CEPF)**

**A. Secretary's Project Funding Decisions**

**B. Project Updates**

- **Southbridge Urban Forestry Project**
- **Ham Run Stream Restoration**
- **Delaware City Branch Canal Greenway**
- **Septic Financing Charrette**

James advised he was unable to get the Secretary's decisions on the projects put forward due to the Secretary's recent surgery. James expects to meet with Secretary Hughes in the near future and will relay information once a decision has been made.

Pam continued on with the project updates.

### **Southbridge Urban Forestry Project**

James introduced Susan Love, who works with the Division of Soil and Water Conservation, Coastal Management Program as a Planner III.

Susan has worked with the Southbridge Civic Association and partners that submitted an Urban Forestry grant which was subsequently approved. They have planted trees and performed maintenance on trees and now have \$17,000 left of the grant. The project ran into an unexpected issue, homeowners in Southbridge area were reluctant to plant; they were cooperative with the maintenance and cutting down of trees, but homeowners did not want the liability imposed by the planting of trees. This was not considered initially. There have been 25 -30 new trees planted but we are having trouble spending the remainder of the funds. In an effort to continue the good work, Dave Carter, Program Manager, came up with the following proposal. Southbridge is close to industrial areas and Trees are one of the few things that can improve the air quality in a community.

Soil and Water Conservation received two calls from companies in response to the Coastal Zone Act, whereby companies can do supplemental environmental projects, and they could donate \$25,000. These funds could be used long term to establish annual trust fund would be used for environmental projects to maintain the trees. Dave Carter has Widener Environmental Law working on the set up of such a trust. The community association is willing to maintain the trust. Susan would like to get a feeling from the CIAC regarding support for this trust fund or whether the Coastal Programs could keep the grant for use in the future. Any suggestions or ideas from the Council would be welcome.

Harold asked for confirmation, this is the \$17,000 leftover from the project? Susan replied, yes, that the \$17,000 was to be used by the end of December, however due to the drought; it was not possible to plant and expect success.

Pam stated as a practical matter there are no mechanics to put the funds into limbo, the specific use was approved and the remaining money should be returned. Pam suggested the Council terminate the project then the funds could be returned for the public good. This is no clear indication as to when you will use the funds. The money won't disappear; there is a continuous stream of funds (penalties) that go into the fund. Council has been supportive of projects for tree maintenance and would be open to projects in the future.

Pam commented this is a worthy endeavor but Council needs a specific plan to move on. With no immediate practical need, the funds should be released to go back for funding of other projects.

Susan questioned how the logistics would work. James indicated the funds had already been transferred to the Coastal programs and he would discuss the procedure for returning the funds with Tina from the Fiscal Office. Susan will advise Coastal accounting and Pam requested an update at the next meeting if the money was returned.

Pam stated, next is the update on **Ham Run**.

James advised he has received a letter from Steve Williams asking an extension to October of next year. The survey work is completed. It indicates that they will require a reconfiguration of the design. They are working with an engineer and the delay is in awaiting the permits from Army Corp of Engineers, which is a lengthy process of 6 months or more. With the anticipated delay, the project should be complete in October of 2008. Therefore they are requesting a one year extension of the project deadline. Pam noted we have no quorum and could provide no authorization.

James also mentioned a need for a financial report from Steve which he would give at the next meeting. There should be no other changes with the project, just the need of the permit approvals.

Next, Pam addressed the **Delaware City Branch Canal** project.

James informed the Council that DNREC staff met with Paul Morrill including; David Small, Bob Zimmerman, Robert Baldwin and Brian Leahy to finalize the arrangements for the project to move forward. There are five separate funding sources for the project. 85% of money is available. We had to meet with finance and legal to make sure all funds were consistent. Bob asked Jenny Bothell, a paralegal in the Office of the Secretary to get a legal opinion to confirm that the scope of work is consistent with the Delaware City Branch Canal Project.

Pam questioned who wrote the opinion; noting that a legal memo from a paralegal is good but has no legal standing. Pam requested a copy of the memorandum be provided to the commission, just to keep the project on the straight and narrow. James agreed to provide a copy of the memorandum.

### **Septic Financing Charrette**

James informed that the December Charrette was just held; Dave Baker, Sussex County Administrator was present. Many financing options were discussed, favored was one septic financing authority responsible for financing and maintaining of septic, and developing of capital costs. The leading recommendation is a septic finance district for the Inland Bays and the creation of a task force between DNREC and the County to study the options. The financing mechanism could be a \$30 fee per year fee imposed on septic owners in the Inland Bays. The revenues would allow for financing for low and moderate income residents.

Pam questioned if this would be a tax to every septic owner? James affirmed, yes, that was the proposal with the most traction based upon work and discussion with Sussex County. Pam asked if this would be put to a public vote. James replied he was unsure if a public vote was necessary, the county may be able to do on their own. The greatest economy of scale would be a county wide septic fee. Other recommendations include

leveraging the funds from SRF from the Federal Government at 1%; reinvest SRF moneys investing in bond with a 5% yield. The difference of 1% and 5% could go into the revolving fund that could provide grant money.

Pam questioned if a legal opinion was needed for this. James replied he thought this type of leveraging was done in 25 states across the country. There is a meeting on the January 11<sup>th</sup> with Soil and Water, First State Community Action, the County and the Environmental Finance Center to deliver the final report presentation. Council will get a report following the Jan 11 meeting.

## **VI. Public Comments/Open Forum**

Pam questioned if there were any public comments at this time.

Harold asked about the septic financing project; when the project was started it included both Kent and Sussex, is Kent County out of the project now?

James replied that the focus of the financing is only in the Inland Bays area. Creating regulations is a long process. The Inland Bay Pollution Control Strategy has been in process for 9 years, only now is it getting into the registry.

## **VII. Adjournment**

Harold moved to adjourn the meeting. Don seconded the motion. The meeting was adjourned.

Pam extended a wish for a Happy Holiday to all.

Susan mentioned that DTCC has video teleconference capabilities in Dover.

Next meeting on February 12<sup>th</sup> we will check on the locations.